

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Superhype Tapes, Ltd.,

Plaintiff,

v.

The Partnerships and Unincorporated
Associations Identified in Schedule A,

Defendants.

Case No. 21-cv-05641

Judge Martha M. Pacold

**Magistrate Judge Jeffrey T.
Gilbert**

PRELIMINARY INJUNCTION ORDER

Plaintiff Superhype Tapes, Ltd. (“Superhype”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the domain names identified in Schedule A (the “Defendant Domain Names”) and the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS Superhype’s Motion in part as follows.

This Court finds Superhype has provided notice to Defendants in accordance with the Temporary Restraining Order entered November 4, 2021, [20] (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

consumers in the United States, including Illinois. Specifically, Superhype has provided a basis to conclude that Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, and have sold products using infringing and counterfeit versions of Superhype's federally registered and copyrights (the "Superhype IP") to residents of Illinois. In this case, Superhype has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using counterfeit versions of the Superhype IP. *See* Docket No. [15], which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the Superhype IP.

This Court also finds that the injunctive relief previously granted in the TRO should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Superhype's previously granted Motion for Entry of a TRO establishes that Superhype has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Superhype will suffer irreparable harm if the injunction is not granted.

Specifically, Superhype has proved a *prima facie* case of trademark infringement because (1) the Superhype IP are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use any of the Superhype IP, and (3) Defendants' use of the Superhype IP is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Superhype.

Furthermore, Defendants' continued and unauthorized use of the Superhype IP irreparably harms Superhype through diminished goodwill and brand confidence, damage to Superhype's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Superhype has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. Accordingly, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be preliminarily enjoined and restrained from:
 - a. using the Superhype IP or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Superhype product or not authorized by Superhype to be sold in connection with the Superhype IP;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Superhype product or any other product produced by Superhype, that is not Superhype's or not produced under the authorization, control, or supervision of Superhype and approved by Superhype for sale under the Superhype IP;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of Superhype, or are sponsored by, approved by, or otherwise connected with Superhype; and
 - d. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Superhype, nor authorized by

Superhype to be sold or offered for sale, and which bear any of Superhype's IP, including the Superhype IP, or any reproductions, counterfeit copies, or colorable imitations.

2. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a/ PublicDomainRegistry.com, and Namecheap Inc., within seven (7) calendar days of receipt of this Order or prior to the expiration of this Order, whichever date shall occur first, shall disable the Defendant Domain Names and make them inactive and untransferable until further order by this Court.
4. Upon Superhype's request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc., AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc., ContextLogic Inc. d/b/a Wish.com ("Wish.com"), and Dhgate (collectively, the "Third Party Providers"), shall, within seven (7) calendar days after receipt of such notice, provide to Superhype expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:
 - a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with

- them, including all known contact information and all associated e-mail addresses;
- b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
 - c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Inc. ("PayPal"), Alipay, Wish.com, Alibaba, Ant Financial Services Group ("Ant Financial"), Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Superhype's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Superhype IP.
6. Any Third Party Providers, including PayPal, Alipay, Alibaba, Ant Financial, Wish.com, and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:
- a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in

Schedule A hereto, the e-mail addresses provided for Defendants by third parties;
and

- b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.
7. Superhype may provide notice of the proceedings in this case to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Pleadings, this Order, and other relevant documents on a website and by sending an e-mail with a link to said website to the e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of "100% cotton T-shirt .31 Store and all other Defendants identified in the Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.
8. Plaintiff's Pleading(s) [8] and Exhibits [1]-[3] thereto, Exhibit 3 to the Declaration of Paul Varley [15], and the TRO [20] are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.
10. The \$10,000 bond posted by Superhype shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:

/s/ Martha M. Pacold
Martha M. Pacold
United States District Judge

Dated: December 20, 2021

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUPERHYPE TAPES, LTD.,

PLAINTIFF,

v.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE No.: 1:21-cv-05641

SCHEDULE A TO THE COMPLAINT

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
1	100% cotton T-shirt .31 Store	aliexpress.com/store/911784105
2	100% cotton T-shirt 39 Store	aliexpress.com/store/911764397
3	100% Cotton T-shirts A Store	aliexpress.com/store/912063808
4	Anime Design Store	aliexpress.com/store/912181332
5	Backstreet BBoy Store	aliexpress.com/store/911759851
6	bssb Store	aliexpress.com/store/912186767
7	Colorful Covers Store	aliexpress.com/store/911918026
8	Good luck 8888 Store	aliexpress.com/store/911816541
9	longlongago888 Store	aliexpress.com/store/911796960
10	luckynumber7 Store	aliexpress.com/store/912182001
11	Shop5688899 Store	aliexpress.com/store/912016479
12	shop58426 Store	aliexpress.com/store/911768127
13	Shop910851026 Store	aliexpress.com/store/910851026
14	Shop911039141 Store	aliexpress.com/store/911039141

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
15	Shop911421372 Store	aliexpress.com/store/911421372
16	Shop911612266 Store	aliexpress.com/store/911612266
17	Suprame Store	aliexpress.com/store/911603328
18	TROCELON Store	aliexpress.com/store/5592096
19	Very good T-shirt 190 Store	aliexpress.com/store/911910162
20	yangqiuju Store	aliexpress.com/store/4657075
21	zhuangmy Store	aliexpress.com/store/912173493
22	zulu Store	aliexpress.com/store/912021064
23	*Pixiluv*	amazon.com/sp?seller=A3KN8ZNMGCLT5K
24	AIRTY	amazon.com/sp?seller=AQVINN3XGY2EX
25	Billiontha	amazon.com/sp?seller=A80BQSAVNPU4W
26	Braunel	amazon.com/sp?seller=A22VL69D19N87R
27	chengdongsheng_iusojao0wwpp	amazon.com/sp?seller=A2JZCZCUAFA7SM
28	DavidSpo	amazon.com/sp?seller=A2MIFNNMC8JHIP
29	DikoGifts	amazon.com/sp?seller=A1WEWTUB53HEII
30	Euphoria Eshop	amazon.com/sp?seller=A637OA8HKRZW8
31	Fsdva	amazon.com/sp?seller=AQE2AXPSNSMLH
32	GearPowers Store	amazon.com/sp?seller=AHUGFVI21YTOH
33	Heikinheimoy	amazon.com/sp?seller=A158SUM4UJU5NA
34	hemengkangedian	amazon.com/sp?seller=A21KYYVWRTVBNY
35	Innoglen	amazon.com/sp?seller=A1LDSNOOQTL6BL
36	jiangruiiii	amazon.com/s?me=A2MLT1W4DZTG82
37	jinangaoxinkaifaquqishuairiyongbaihuodian	amazon.com/sp?seller=A35903BFK2HKIE
38	Kuro Black Pool	amazon.com/sp?_seller=A15RIA2DQZYUDP
39	lsqhsdzsw	amazon.com/sp?seller=A1EHEE7GYQKU6K
40	MAGicStore	amazon.com/sp?seller=A3VZZ93KOFGIS5
41	MELISSA SOUZA OLIVEIRA	amazon.com/sp?seller=A77HBASWCZ9M7
42	Mindsets	amazon.com/sp?seller=A2LMF02P70HZSM

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
43	Ningbosi	amazon.com/sp?seller=A2LLI8FHYO8K23
44	POPTEND	amazon.com/sp?seller=A2332JDY5Q0D5Q
45	Puernash	amazon.com/sp?seller=A306UBVKFZDRKM
46	qareir	amazon.com/sp?seller=A69BGKYF6RFTE
47	QIBOSHIDA	amazon.com/sp?seller=A1DJ87AJF3SHBZ
48	SingSing	amazon.com/s?me=A2VT3LLFX4C1FLR
49	Soberdotsoul	amazon.com/sp?seller=AWRKALKALTN941
50	TheWallTheory	amazon.com/sp?seller=A3OSU8SFGLE95S
51	wanghuidewang	amazon.com/sp?seller=A34DYJ05XFM15R
52	Wangps	amazon.com/sp?&seller=A3MXSKDXV4JJOE
53	yinchimaoyi	amazon.com/sp?seller=AL49WIP4293T2
54	YYXGS	amazon.com/sp?seller=A2B928AN3PDKHW
55	zhoukoupianranshangmaoyouxiangongsi	amazon.com/sp?seller=A2G70VI66IOWPI
56	Zhu Jing Shop	amazon.com/s?me=A5UX8TK9EB015R
57	霍邱shangmao	amazon.com/sp?seller=A19RROIH74MFUC
58	beltsingsa Store	dhgate.com/store/21651341
59	ligifred Store	dhgate.com/store/20106849
60	wensihone Store	dhgate.com/store/21596719
62	ArtStudioBA	etsy.com/shop/ArtStudioBA
63	BartonEni	etsy.com/shop/BartonEni
64	BlackMetalPatch	etsy.com/uk/shop/BlackMetalPatch
65	CreativeLoreDesigns	etsy.com/uk/shop/CreativeLoreDesigns
66	DeadLazy	etsy.com/shop/DeadLazy
67	FenixSharp	etsy.com/uk/shop/FenixSharp
68	FreshPrintsOfLondon	etsy.com/uk/shop/FreshPrintsofLondon
69	HardHeavy	etsy.com/shop/HardHeavy
70	IconicArtAndPrints	etsy.com/shop/IconicArtAndPrints
71	IGREAN	etsy.com/shop/IGREAN

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
72	InktallyGB	etsy.com/shop/InktallyGB
73	KokoPrint	etsy.com/shop/KokoPrint
74	Parrothoodies	etsy.com/uk/shop/Parrothoodies
75	MaureensMegastore	etsy.com/shop/MaureensMegastore
77	musicstickershop	etsy.com/shop/musicstickershop
78	Partynia	etsy.com/uk/shop/Partynia
79	Pincheys	etsy.com/uk/shop/Pincheys
80	PjsStickersNStuff	etsy.com/shop/PjsStickersNStuff
81	PRINTANDPROUD	etsy.com/shop/PRINTANDPROUD
82	PrintsofPosters	etsy.com/shop/PrintsofPosters
83	PsychoPunkStore	etsy.com/shop/PsychoPunkStore
84	Pumalpumal	etsy.com/shop/Pumalpumal
85	RebelTeeshirts	etsy.com/shop/RebelTeeshirts
86	ReesPubArt	etsy.com/shop/ReesPubArt
87	RotaDesignShop	etsy.com/shop/RotaDesignShop
88	ShiCaiStore	etsy.com/shop/ShiCaiStore
90	SpeakToMeGabriel	etsy.com/shop/SpeakToMeGabriel
91	stickershopTH	etsy.com/shop/stickershopTH
92	TagramSpot	etsy.com/shop/TagramSpot
93	TAMRAArt	etsy.com/shop/TAMRAArt
94	TDSPrints	etsy.com/shop/TDSPrints
95	TheRibbonGalleryUK	etsy.com/shop/TheRibbonGalleryUK
96	TiliaButik	etsy.com/shop/TiliaButik
97	Tshirtrockbest	etsy.com/uk/shop/Tshirtrockbest
98	VoodooPosters	etsy.com/shop/VoodooPosters
99	WallisticTapestryUK	etsy.com/shop/WallisticTapestryUK
100	WallsOfWisdomUK	etsy.com/shop/WallsOfWisdomUK
101	FORIDERS	topikco.com

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
102	Mala Rock Shop	malarockshop.com
103	SOUNDHEY	soundhey.com
104	Tee Journey	journeyofshirt.com
105	TURMUP	turmup.com
106	weatherisn.com	weatherisn.shop
108	WestStreets	weststreets.com
109	AHUI Auto Parts Grocery Store	wish.com/merchant/60ab2cd132de5db9c2eb6982
110	ajhbwnppth	wish.com/merchant/5e9fe23529e7860ccf5ae65e
111	BarbaraConradrGnN	wish.com/merchant/5e96720e78e6680a3a84d678
112	Drusilla	wish.com/merchant/5fd42e98c4fa1b161b6301a9
113	herb limited	wish.com/merchant/5fe37e1f6f048911e41d916f
114	liulongmei581	wish.com/merchant/6049bf8f6520a860d4d0cd57
115	Morgan Walker	wish.com/merchant/5e818ceda75829d33d7ab473
116	ukdfhisufisdtf	wish.com/merchant/5f5f19e538e412f44fbeat81
117	wangwenlong46455	wish.com/merchant/5fc8549eb36d7e18bd292495
118	xindaonanfang	wish.com/merchant/5e66f5565a3e1f1cd98fa6ae
119	xisishiye	wish.com/merchant/5a1c9ca37a4f3b39c6ba08a0
120	zhengyunyun0912	wish.com/merchant/5ffbe5dfcabb51033c31a248
121	zhouqinsu6600	wish.com/merchant/5ea9499b99677ac544d6ad43